

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

In re: ) Chapter 11  
 )  
EASTERN LIVESTOCK CO., LLC, ) Case No. 10-93904-BHL-11  
 )  
Debtor. )

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**PROPOSED AGENDA FOR TELEPHONIC OMNIBUS HEARING ON  
MARCH 13, 2013 AT 10:00 A.M. EDT**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), by counsel, submits this proposed agenda for the telephonic hearing scheduled for March 13, 2013 at 10:00 a.m. EDT ("Hearing") in Room 103, U.S. Courthouse, 121 W. Spring Street, New Albany, Indiana.

**THE HEARING WILL BE TELEPHONIC ONLY.**

**DIAL IN INFORMATION** The dial-in telephone number for interested parties to participate in the Hearing by conference call is 1-888-399-7768; passcode 586676, followed by the pound ("#") key.

**A. EASTERN LIVESTOCK CO., LLC ("ELC") MAIN CASE MATTERS**

1. Motion for Order Establishing Procedures for Certain Adversary Proceedings
  - a. Movant:
    - i. James A. Knauer, Trustee (Docket# 1741)
  - b. Objectors:
    - i. Intrust Bank, NA (Docket# 1769)
    - ii. Monty Koller (Docket# 1770)
    - iii. Matt Eller, Clark Christensen, Peoples Livestock Auction, Inc., Ashville Stockyard, Inc., Tennessee Valley Livestock, Alabama Livestock Auction, Inc., Billingsley Auction Sale, Inc., Carroll County Livestock Sales Barn, Inc., Macon Stockyards, Inc., and Robert Rawls d/b/a Robert Rawls Livestock (Docket# 1773)
  - c. Parties Joining in Objection of Intrust Bank, NA
    - i. Cornelison Farms, LLC (Docket#. 1771)
    - ii. Francis J. Madison, Jeffrey Madison and Madison Ca, Creditors Gary S. Bell, Northwest Alabama Livestock Yard, and Randy Hoover & Son, LLC (Docket# 1772)

**B. ELC ADVERSARY PROCEEDINGS MATTERS**

1. ***Texas Interpleader*** (Adv. Proc. 11-59093)

- i. Del Cotto Group Parties' Motion for Determination as to Confidentiality of Documents Produced to Data Room or, Alternatively, to File Documents Under Seal as Required by Discovery Protocol and Confidentiality Agreement (Docket #376); Response (Docket #429)

*STATUS:* Subject to continuing negotiations.

2. ***Atkinson Livestock*** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC v. Atkinson Livestock Market, LLC, Adv. Proc. 11-59094)

- i. Pretrial conference

*STATUS:* Trustee has filed additional claims against Atkinson Livestock in a separate adversary proceeding (*Trustee v. Tammy T. Gibson, et al.* (Adv. Proc. 12-59158)). Additional discovery is needed with respect to claims against Atkinson Livestock.

3. ***Fredin Brothers (Colorado Interpleader)***, (Fredin Brothers, Inc. v. Bankers Bank, et al., Adv. Proc. 11-59108)

- i. Pretrial conference

*STATUS:* Subject to continuing negotiations.

4. ***Allen Barry*** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC v. Allen Barry, Adv. Proc. 12-59012)

- i. Initial Pretrial conference

*STATUS:* Barry's counsel has recently entered an appearance and filed an answer. Parties are still attempting to exchange information.

**C. MATTERS IN RELATED CASES**

1. ***In re East-West Trucking***, Case No. 10-93799

- i. No matters scheduled.

2. ***In re Thomas and Patsy Gibson***, Case No. 10-93867

- i. No matters scheduled.

#### **D. MATTERS CURRENTLY UNDER ADVISEMENT**

1. Texas Interpleader, Adv. Proc. 11-59093, and Knauer v. Downs et al., Adv. Proc. 11-59086

Trustee's Motions for Partial Summary Judgment on Statutory Trust and Clearing Agency Issues – Supplemental Responses (filed August 15, 2012); Trustee's Supplemental Replies (filed November 15, 2012)

*Status:* Fully briefed and awaiting ruling

Parties remaining that filed supplemental response:

- i. Alton Darnell, Mosley Cattle Auction, East Tennessee Livestock, Southeast Livestock Exchange, Piedmont Livestock Company, and CPC Livestock
- ii. Bluegrass-Maysville, Bluegrass Stockyards, Bluegrass Stockyards of Campbellsville, Bluegrass South Livestock Market, Bluegrass Stockyards East, Bluegrass Stockyards of Richmond (all part of Downs/Bluegrass/Laurel Livestock settlement agreement that is currently being documented)

2. Knauer v. Edens, et al., Adv. Proc. No. 12-59036  
Defendants' Motion to Dismiss (Docket# 24); Trustee's Response (Docket# 39); Defendants' Reply (Docket# 40); Trustee's Sur-reply (Docket# 43)  
*Status:* Fully briefed and awaiting ruling.
3. Knauer v. Robert Rawls Livestock, Adv. Proc. No. 12-59047  
Defendant's Motion to Dismiss Trustee's Complaint (Docket# 14, 15); Trustee's Response (Docket# 18); Defendant's Reply (Docket# 19).  
*Status:* Fully briefed and awaiting ruling.
4. Knauer v. Macon Stockyard, Inc., Adv. Proc. No. 12-59049  
Defendant's Motion to Dismiss Trustee's Complaint (Docket# 14, 15, 16); Trustee's Response (Docket# 20); Defendant's Reply (Docket# 21).  
*Status:* Fully briefed and awaiting ruling.
5. Knauer v. Billingsley Auction Sale, Inc., Adv. Proc. No. 12-59050  
Defendant's Motion to Dismiss Trustee's Complaint (Docket# 14, 15); Trustee's Response (Docket# 18); Defendant's Reply (Docket# 19).  
*Status:* Fully briefed and awaiting ruling.
6. Knauer v. Carroll Co. L/S Barn, Inc., Adv. Proc. No. 12-59072  
Defendant's Motion to Dismiss Trustee's Complaint (Docket# 17, 18); Trustee's Response (Docket# 21); Defendant's Reply (Docket# 22).  
*Status:* Fully briefed and awaiting ruling.

7. Knauer v. B&B Land and Livestock, L.L.P., et al., Adv. Proc. No. 12-59083
  - a. B&B Land and Livestock, L.L.P.'s Motion to Dismiss Adversary Proceeding (Docket# 9); Trustee Response (Docket# 13); Defendant's Reply (Docket# 17)  
*Status:* Amended Complaint filed pursuant to Fed. R. Bankr. P. 7015 and Fed. R. Civ. P. 15(B) (Docket# 12). Trustee requests that the Court enter an order denying Defendant's Motion to Dismiss Adversary Proceeding (Docket# 9) as moot.
  - b. B&B Land and Livestock, L.L.P.'s Motion to Dismiss Counts II and III of First Amended Complaint (Docket# 19); Trustee's Response (Docket# 25); Defendant's Reply (Docket# 26).  
*Status:* Fully briefed and awaiting ruling.
8. Knauer v. Tate Ranch, Adv. Proc. No. 12-59137  
Defendant's Motion to Dismiss Counts II and III (Docket# 10); Trustee's Response (Docket# 13).  
*Status:* Fully briefed and awaiting ruling.
9. Knauer v. Amos Kropf, Adv. Proc. No. 12-59095  
Defendant's Motion to Dismiss Counts II and III (Docket# 9); Trustee's Response (Docket# 11); Defendant's Reply (Docket# 13).  
*Status:* Fully briefed and awaiting ruling.
10. Knauer v. Ashville Stockyard, Adv. Proc. No. 12-59128  
Defendant's Motion to Dismiss Trustee's Complaint (Docket# 10, 11); Trustee's Response (Docket# 14).  
*Status:* Fully briefed and awaiting ruling.
11. Knauer v. Alabama Livestock Auction, Adv. Proc. No. 12-59129  
Defendant's Amended Motion to Dismiss Trustee's Complaint (Docket# 14, 15); Trustee's Response (Docket# 18).  
*Status:* Fully briefed and awaiting ruling.
12. Knauer v. Peoples Livestock, Inc., Adv. Proc. No. 12-59133  
Defendant's Motion to Dismiss Trustee's Complaint (Docket# 10, 11); Trustee's Response (Docket# 14).  
*Status:* Fully briefed and awaiting ruling.
13. Knauer v. Bradbury & York, et. al. Adv. Proc. No. 12-59136
  - a. Defendants Mike Bradbury and Bradbury & York's Motion to Dismiss Count II and III (Docket# 9); Trustee's Response (Docket# 13); Defendants' Reply (Docket# 14)  
*Status:* Amended Complaint (Docket# 20) filed pursuant Court's Order Granting Trustee's Motion to Amend Complaint (Docket# 19). Trustee requests that the Court enter an order denying Defendants Mike Bradbury and Bradbury & York's Motion to Dismiss Count II and III (Docket# 9) as moot.

- b. Defendant Mike Bradbury's Motion to Dismiss Adversary Proceeding (Docket# 15); Trustee's Response (Docket# 17)

*Status:* Amended Complaint (Docket# 20) filed pursuant Court's Order Granting Trustee's Motion to Amend Complaint (Docket# 19). Trustee requests that the Court enter an order denying Defendant Mike Bradbury Motion to Dismiss Adversary Proceeding (Docket# 15) as moot.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Terry E. Hall

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 11, 2013, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on March 11, 2013, a copy of the foregoing pleading was served via electronic mail transmission on the following:

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